REMARKS

Applicant has carefully studied the Office Action of July 27, 2005 and offers the following remarks to accompany the above amendments.

Applicant appreciates the indications that claims 11-21 are allowed and that claims 4, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in light of the remarks below, Applicant does not settle for these claims at this time.

Claims 1, 7, and 9 are amended to clarify article usage (between "a" and "the") and antecedent basis issues. No new matter is added.

As the Patent Office maintains the rejections over the references, and Applicant has previously completely addressed the deficiencies of the rejections, Applicant focuses the present response on the "Remarks to Arguments" section on page 2 of the Office Action of July 27, 2005.

Claims 1, 2, 7, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang et al. (hereinafter "Zhang") in view of Shaffer et al. (hereinafter "Shaffer"). Applicant respectfully traverses.

Applicant previously argued that the Patent Office had not properly supported the motivation to combine the references. The Patent Office uses its traditional citations in *In re Fine* and *In re Jones*. Applicant commends *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999) to the Patent Office because *Dembiczak* subsumes *Fine* and *Jones*. In *Dembiczak*, the Federal Circuit acknowledged that *Fine* set forth a broad range of sources from which the suggestion to combine the references may arise. The Federal Circuit went on to indicate that the range of available sources **did not diminish the requirement for actual evidence**. *Id.* Specifically, the Federal Circuit was concerned about the Patent Office relying on impermissible hindsight reconstruction to arrive at the claimed invention. To combat the powerful lure of hindsight reconstruction, the Federal Circuit mandated a rigorous application of the requirement for evidence. Only when the Patent Office provides actual evidence to support a suggestion to combine the references can the Federal Circuit be sure that the Patent Office has not used impermissible hindsight reconstruction. Therefore, while *Fine* and *Jones* do mention that the range of sources from which the suggestion to combine the references is broad, *Dembiczak*

mandates that the Patent Office support the suggestion with actual evidence. To date, the Patent Office has not provided any evidence in support of its stated motivation to combine the references. Since the Patent Office has not supported the stated motivation to combine the references with actual evidence, the motivation is improper. Since the motivation is improper, the combination is improper. Since the combination is improper, and the references individually do not teach or suggest all the claim elements, the combination does not establish *prima facie* obviousness. MPEP § 2143.03. Since the combination does not establish obviousness, the claims are allowable.

Applicant likewise argued that Shaffer did not teach translation of IP addresses within control protocol messages. The Patent Office further admits that Zhang does not teach this element. If the references individually did not teach the element, the combination cannot establish obviousness. In the previous response, Applicant addressed each of the citations to Shaffer and showed how these citations did not teach or suggest translation of IP addresses within control protocol messages. At best, the passages indicate that there are media control protocols. The Patent Office does not address any of these arguments and merely repeats its previous rejection of the claims. Unless the Patent Office can show where there is a teaching or suggestion that there is a translation of the IP addresses in the control protocol messages, the Patent Office has not established obviousness. To date, the Patent Office has merely indicated that address translation at layer 2 is known and control protocol messages are known. The Patent Office has not provided any evidence that translation of IP addresses within control protocol messages is taught or suggested. Since the Patent Office has not, even after five Office Actions, been able to show where the element is taught or suggested, the Patent Office has not established obviousness and should allow the claims.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang and Shaffer and further in view of Cave et al. (hereinafter "Cave"). Applicant respectfully traverses essentially for the reasons set forth above and in the previous response filed April 18, 2005. Specifically, as explained above, the Patent Office has not supported the motivation to combine the underlying combination of Zhang and Shaffer. Likewise, the Patent Office has not provided any evidence to support the combination of Cave with the other two references. Since neither of the motivations is properly supported, the combination is improper. Furthermore, the addition of Cave to the combination does not cure the deficiencies of Zhang and Shaffer. Thus, in

combination, the three references do not teach or suggest translating the IP addresses within the control protocol messages as recited in the claims. Since the combination does not teach or suggest the claim element, the combination does not establish obviousness. Since the combination does not establish obviousness, claim 3 is allowable.

Applicant respectfully requests reconsideration of the rejections in light of the remarks presented herein. The references have not been combined properly and the combinations do not teach or suggest all the claim elements. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,
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